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A Guide  
TO THE  
**Routine of a Solicitor's Office,**  
FOR THE USE OF  
**Junior Clerks and Scribes.**

By JOHN C. EDGLEY,

Shorthand Writer and Law Clerk

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PRICE ONE SHILLING.

London:

F. PITMAN, 20 & 21, PATERNOSTER ROW, E.C.

1883.

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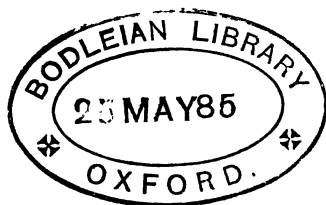
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## INTRODUCTION.

A GREAT number of legal works have been written for the guidance of those in the profession, but they are almost exclusively for the benefit of the admitted practitioner or articled clerk, and the humbler workers have been forgotten: indeed, it is generally understood that so far as they are concerned, the lesson must be learned in the school of experience; and this is certainly true with respect to many little matters in the ordinary business of a Solicitor's Office. This little book is intended to give an insight of the general routine, and a few notes of practice have been appended in alphabetical order, which the Author trusts will be found useful to the junior law clerk.

The Author thinks it only right to mention that he is neither an admitted solicitor, or even an articled clerk; but he trusts that fifteen years experience as a copying and engrossing, general and shorthand clerk successively, in town and country offices, will be some guarantee that his little book is a useful one for the junior clerk to refer to.

4, RAYMOND BUILDINGS,

GRAY'S INN,

*May, 1883.*

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## OFFICE ROUTINE.

**The Office Lad.**—His duties are to make himself generally useful, in and out of the office, and fill up his time with copying. He should learn to write a good round hand, free from flourishes, with short tops and tails to the letters. He must also learn the abbreviations in general use for drafts and legal documents.

It is generally the duty of the Office Boy to copy the letters in the press; to weigh, stamp, and post them, and keep a register of the letters posted or delivered, and the amount of postage. The proper method of copying letters is given under the head, "Copying Clerk." The Office Boy should also keep the Call Book, in which the names of all persons coming to the office should be entered. It is advisable to put down the time, and anything special as memoranda. It is also a good practice to enter in the call book the outdoor attendances of the principal and clerks: they are useful memoranda for entering up costs. The press letter book is often indexed by the Office Boy. This is very simple to do, but must be carefully done, as the omission of a letter might lead to trouble and even loss. The *surname* of the correspondent must be written first on the page indexed with the letter, and the Christian names follow as they stand in the ordinary way, viz.: a letter to "John Frederick Walker at page 91," should be indexed "Walker, John Frederick, 91." All future letters to that correspondent must be indexed

with the number of the page only, after the name already written. Great care must be taken not to miss a letter, or to open another index to the same correspondent. To avoid this, if it is uncertain whether a previous letter has been written to a correspondent, look carefully down the column to see that the name is not already there.

No blanks should be left, and no leaf should be torn out of the letter book, under any circumstances. If one be found imperfect, a memorandum should be made on the fly-leaf, signed by the person indexing the book, that such leaf was not used.

When a letter is written to a company, the name of which is not easily remembered, the letter may be indexed under T, commencing with the word "the": "The Chief Manager of the Chartered Mercantile Bank of India, London, and China," may be indexed "Chartered Mercantile Bank of India, London, and China, The Chief Manager," but another index under T, "(The) Chartered Mercantile Bank," &c., will be most useful as a reference, as the *primary* word in the title of the company may be forgotten.

The Office Boy sometimes endorses the miscellaneous letters with the name of the writer and the date, to be put away in bundles for each year, in alphabetical order; but this should be entrusted to the Copying Clerk. Receipts should be endorsed with the name of the giver and the date, and put away in bundles, like the miscellaneous letters.

The Office Boy must make himself acquainted with the public offices, and take every opportunity of learning what he can in the profession. He must be honest,

industrious, and respectful to his employers, and the elder clerks. Such a lad deserves encouragement, and will get it.

**Copying Clerk.**—He should write a good round hand, close and compact, the tops and tails respectively should not be longer than the height of the short letters, and flourishing must be avoided.

It is absolutely necessary for the Copying Clerk to know the abbreviations used in the drafts of legal documents. A list of the principal abbreviations is given at page 18.

*Engrossments.*—An engrossment is the neat copy of a draft deed, or document which is intended to be the original; and whether it is written on parchment or paper, the words should be at full length, dates and figures being in words. The only exceptions to this rule are, the number of a regiment, society, or house, which are better written in figures.

Stops should not be used in engrossments. As they might possibly alter the tenor of the clause, and could be interpolated after the execution of the deed, they are not noticed in reading it.

The length of any engrossment is calculated by the folio of 72 words, except probates, in which 90 words are counted to a folio.

The Copying Clerk must learn to engross in the ordinary German text, and also the old English engrossing hands. The latter writing was formerly used for the engrossment of nearly all deeds, but now the ordinary round hand writing is generally used, being plainer to read, and more expeditiously written, the words at the beginning of each clause only being "texted." The

probates of Wills should however be written altogether in the engrossing hand.

The alphabet letters of the engrossing and German text hands are given at end of book. A broad steel pen or quill should be used for German text and engrossing hands.

The heading of deeds, "This Indenture," is generally printed on the skin. The word, or words, commencing a clause in a deed, and written large in a draft, should be texted, as "*Between*," "*Whereas*," &c.

When a deed extends to more than one skin, the word at the top of the second skin (and every following one) should be texted; rather larger than the textings in the body of the deed, but not quite so large as the heading, "This Indenture," otherwise it looks clumsy.

Parchment should be rubbed over with pounce (whitening will do if thoroughly dry) before being written on. Some parchment is supposed to do without pounce, but it is sure to want it somewhere or other, and the writing will look better, and more uniform, if the skin is pounced all over. A rubber of cloth is generally used for this purpose.

The skin of parchment for an engrossment should be ruled in vermillion, with three lines at the top, three at the left-hand side, for the outside margin, two for the inner margin at the left, and a small margin of two lines at the right. (This is generally done by the stationer.) When there is a plan to be laid down upon the deed, a space must be left for it, and a margin in vermillion or red ink, ruled round the plan, after it is put on.

When the engrossment is a probate, the marginal lines must be black.

The difficulty in engrossing deeds to one unaccustomed to the work, is to fit the writing to the skin, so as to bring it down to the turn-up or fold at the bottom for the seals: this can only be properly done by practice. A good plan is to count the number of lines on the skin (if already ruled), and then count a line of words written on the skin in pencil; multiply the two together, and divide by 72 (the number of words in a folio). This will enable the writer to judge the closeness of the writing required to fill the skin. Not more than 32 folios should be written on one skin, and the lines must be ruled close for it to take that number. A wheel-runner or pricker should be used as a guide for ruling, so as to keep the lines straight and parallel. A tin parchment holder is useful to keep the top of the skin rolled up as the writing gets lower down. Should a few lines be left at the bottom when an engrossment is finished, they must be ruled up in red ink.

When deeds are engrossed bookwise, the same care need not be taken to bring the writing down to the bottom of the page, as there is no *turn-up*, and the seal may be placed anywhere at the side. *A few words* at least of the deed must appear on the side on which the seals are placed. The attestation, "Signed sealed and delivered by the above named ———, in the presence of," should be as near as possible opposite the seal in a deed engrossed bookwise.

The fold for the seals on an open skin should be about two inches deep, when there are more than one row of seals, and about one-and-a-half inch where there



is only one row. When there are several rows of seals they must be made narrower as the case requires, and a smaller stamp used.

When there are several skins in a deed, the followers (as they are called) are fastened into the fold at the bottom of the first skin, so as to be in front of it; and the writing must be brought down to the bottom of the last follower in the same way as if there were only one skin in the deed. The followers must be placed so that the *last* one is the *front* skin, the first skin of the deed being behind, and consequently the one on which the endorsement and attestations are written.

The turn-up at the bottom of the deed is for the seals. It should be fastened by strips of parchment about a quarter of an inch wide at each end: green silk is sometimes used, but the parchment looks neater and wears better. It should be slightly wetted when tying up the deed.

The seals are put on in this way:

For one seal two horizontal slits are cut in the fold through the back of the deed. A piece of wide green ferret or silk tape is put through one slit, the other end being drawn through the opposite slit. A hole is then made through the parchment between the two slits, and the two ends of the tape drawn through and cut off close in the front: sealing wax is put on this, and an ordinary chequered seal impressed, and it is complete.

The diagram of turn-up and seals is given at the end of the book.

Where several seals are required to be together, narrow slits are cut in the fold to make a division

between the seals, and the top and bottom seal finished off in the same way as one side of a single seal.

Indentures on paper have an adhesive seal affixed.

The top of a deed (the first skin) may be indented or cut into a serrated edge ~~~~~

The deed should be folded in three, and as near the size of a draft folded *once across*, as possible. This is convenient, and makes a bundle of deeds look better.

In the fold at the top, on the back, should be written the attestation: "Signed sealed and delivered by the within named \_\_\_\_\_ in the presence of." If one witness attests several signatures, all those names can be put in one attestation.

A receipt need not now be put on a conveyance or a mortgage.

The deed must be endorsed on the outside as on the draft, the word "draft" of course being excepted.

Wills are engrossed on paper (brief or foolscap), there should be no errors if possible, *and no erasure at all*.

The copy of a will intended to be the probate thereof must be made on parchment. It should be engrossed in the old English engrossing hand, and ruled with a margin in black ink (two lines). The probate must be a true copy of the will, and any mis-spelling or other error in the original must appear in that accordingly. It must have a turn-up at the bottom to affix the seal of the Court. It should be endorsed "Probate of the will of \_\_\_\_\_," and in the left-hand corner "Extracted by \_\_\_\_\_" (the solicitor acting in the matter of the probate).

A double probate is a second probate by another executor. The engrossment in this case is a copy of the original Probate and the Grant annexed by the Court, and should be endorsed, "Double Probate."

All engrossments should be examined by two clerks, one reading the engrossment and the other the draft.

All proceedings in the High Court of Justice must be written on judicature foolscap. They must be folded perpendicularly once, and not across, as paper engrossments and copies on ordinary foolscap are usually done.

*Costs for Taxation*: Three copies should be made with the same items on each page, for facility in casting, checking, and reference. If the draft is a pretty fair one, two copies will do. The dates must be *inside* the left-hand margin: that being used for the items taxed off the costs. Bill paper is sold ruled for taxing. If the bill is a long one, it is better to make a summary of the totals of the pages cast separately, at the end of the bill, and a summary of the items taxed off, by the side of the other totals.

*Abstract of Title*, as the name implies, is a short statement of the title deduced from the deeds in the possession of the vendor. It should have four margins. The ordinary brief paper is generally used, and three margins, each about  $1\frac{1}{2}$ -inch wide, can be made in it by creasing beside the outer one. Some solicitors use ruled abstract paper.

The following diagram shows the margins in a sheet of abstract, and the clauses to be commenced in them, as a rule:—

Date of the Deed. —	Parties (commence- ment of the document). — Covenants. — Declarations. — Provisoes. — Body of wills and other documents. —	Recitals. —	Clauses not included in the other columns. —	Parcels, (Description of heredita- ments) &c. —

Abstracts should always be worded in the past tense. All legitimate abbreviations can be used, and about seven folios on an average written on a sheet.

*Letters.*—Important letters are generally tied up with the papers in the matter. The miscellaneous letters that are not so put away, should be endorsed with the name of the writer, and date, and tied up in alphabetical order, in bundles, or placed in pigeon-holes.

*To copy letters.*—Damp the blank sheet with a brush, leaving a corner dry (just sufficient to take hold of), lay an oiled sheet on the damp paper, close the book and screw down in the press, but not too tight; when taken out the moisture will be found to have spread evenly through the sheets. Lay the oiled sheet on the left-hand page (the one with the last copied letter on), turn the first damp sheet over it, and lay the letter to be copied face downwards on the paper; place another oiled sheet firmly on the top of the letter, turn another

damp page over it, and place the next letter on it face downwards as before.

It is not advisable to take off more than six letters at once, as the paper may get too dry, and the copies will be dim or imperfect.

Only a moderate pressure is required, unless the paper is getting rather too dry, when a little extra power may be put on.

On taking the letters out, the oiled sheets must be left between the pages until they are dry, or the copies will be blurred.

When a letter of several sides is to be copied, it is advisable to put a blank sheet of paper between the pages, or the writing is liable to print off from one side on to the other, when two pages are screwed together by the press.

**The Common Law Clerk.**—His duties in a London office are to issue writs, summonses, enter appearances, &c., attend summonses at chambers, draw up orders, tax costs, get up evidence; and, in fact, to do the indoor and most of the outdoor work in contentious business of any kind. Sometimes the Common Law and Chancery Clerk are combined in one individual. He must be hard-working and energetic; a great deal of responsibility is often thrown upon him, and he is sometimes made a scape-goat for mistakes. The Office Boy who is sharp and picks up the practice, generally becomes a Common Law Clerk.

The few notes of practice appended to this little work will, it is hoped, be useful to the junior common-law man.

**Chancery Clerk.**—This gentleman takes high

ground, and is but rarely a junior clerk. There are some notes however in the Appendix which he may find useful.

**Shorthand Clerk.**—A shorthand writer very often goes into a solicitors' office with no knowledge of the routine of the business, his duties being to take notes and transcribe them into longhand. To such a clerk especially, the following instructions may be useful.

The principal duties of the Shorthand Clerk are to take notes from dictation for letters, briefs, instructions for counsel, evidence, affidavits and costs. It is frequently his work to keep and post the daily entries of costs, from notes taken from the dictation of the principal and managing clerk. This will be noticed further on under "Costs."

The shorthand writer must acquaint himself with the abbreviations used in legal documents (see p. 18).

I suppose the writer to use the phonetic system, and he will of course be acquainted with the ordinary note-book. The Author prefers a book opening in the ordinary way, as more convenient. An elastic band will be found useful to keep the leaves closed at the side which have been written on, and serves as a mark to enable the writer to refer to the last day's notes. The date of each day's notes should be written at the top for the same purpose.

Stops need not be used in taking notes with the exception of the full stop (.) which should always be put in; as it plainly indicates the end of a sentence, and enables the writer to pick up the commencement of a sentence readily, if required to read over his notes.

In taking notes for briefs, affidavits, &c., it is ad-

visible to leave a line between each paragraph, and references should be made where an addition to any head of the case or subject requires to be interpolated. A thoroughly competent clerk will take upon himself to put the case in order—properly paragraph and set it out, and omit any unnecessary repetitions which are likely to occur in dictating a document. The junior clerk must not attempt this, but simply copy his notes for a draft. Many, even good lawyers, cannot draw a brief in good form. A case sometimes gets into the hands of Counsel drawn in such a rambling way that there seems neither head nor tail to it, the subjects of the case being all jumbled together or very far apart, and it is difficult at an ordinary glance to understand what some of the witnesses are called to prove.

Every distinct matter or action written about should form a separate paragraph; and everything intimately connected with a subject and forming but one matter, should make one paragraph only, whether it be a long or a short one. Many people dread a long paragraph in correspondence: they have a vague notion that, after writing a few lines, they ought to commence a new paragraph, and consequently very often split a subject in the middle. They cannot understand how a *long* letter may, in many cases, properly consist of one paragraph only; and they like to see two paragraphs at least, thinking it looks well, and that the matter is more plainly put thereby, but they make a mistake. Such a style is very little better than jumbling subjects, having no connection with each other, together. Every writer will make mistakes in his punctuation at times; but there is a great difference between trifling

mistakes and gross errors. In ordinary writing a proper attention to paragraphs is the principal point. Long clauses and sentences very much involved are frequently used, and are very requisite in legal documents, but they should be avoided as much as possible in correspondence. Ambiguity should be carefully avoided: much annoyance, loss, and trouble have been caused by sentences having a double meaning.

Quotations, when they extend to more than a line, should be written with an inner margin. In correspondence, inverted commas at the beginning and end of a quotation are sufficient.

Briefs should be copied in a clear round hand, and not more than seven folios written on a side.

For proofs to annex to brief, a margin must be creased at the right-hand side for the name of the witness, and the name should be repeated at the top of each page as long as his evidence is continued.

A copy of the writ should be placed on the brief in front—the pleadings being set out in the brief before the “case,” which is the statement of facts and observations thereon, for Counsels’ guidance. The correspondence for the use of Counsel, if lengthy, can be copied on brief separately; if short, it can be added to the brief, if not set out in the “case.”

*Costs.*—There are several modes of keeping solicitors’ costs. The draft bills containing the entries to each client may be written on half-sheets of draft, folded once and kept in pigeon-holes or in bundles in alphabetical order, the entries being kept posted up from notes or the rough diary, and fresh sheets added as required. When a bill is settled and copied, the rough



draft should be placed in a bundle for copied bills. A press bill book should also be kept, in which the bills sent out should be copied in the same way as the letters.

Another plan is to make the rough entries in a large ledger, and strike through the costs that have been settled and copied for delivery.

Another plan is to make a small paper book for each client, endorsed with the name. These books are kept in pigeon-holes under the letter. They are as likely to be lost as the draft sheets pinned together before-mentioned, and are not so economical or convenient, as the costs sometimes do not extend to the length expected, and several sheets are wasted.

When the Solicitor acts as agent for another in a matter, the draft costs are posted against him, (not his client). The costs should be made out with two sets of cash columns; the first being for the regular costs payable by the client, and the second for the agency charges and disbursements.

## ABBREVIATIONS.

<i>Abst</i> <sup>s</sup> —Abstract	<i>Ann</i> <sup>s</sup> —Annuities
<i>Abst</i> <sup>v</sup> —Abstracting	<i>Ann</i> <sup>i</sup> —Annual
<i>Acc</i> <sup>t</sup> —Account	<i>Ansbl</i> <sup>e</sup> —Answerable
<i>Acc</i> <sup>t</sup> —Accountant	<i>Approb</i> <sup>n</sup> —Approbation
<i>Accd</i> <sup>v</sup> —According	<i>Appc</i> <sup>r</sup> —Appearance
<i>Admo</i> <sup>r</sup> —Administrator	<i>Apptm</i> <sup>t</sup> —Appointment
<i>Admo</i> <sup>n</sup> —Administration	<i>Applico</i> <sup>n</sup> —Application
<i>Adv</i> <sup>d</sup> —Advanced, Advertised	<i>Arr</i> <sup>t</sup> —Arrangement
<i>Adv</i> <sup>t</sup> —Advertisement	<i>Ass</i> <sup>n</sup> —Assign
<i>Adv</i> <sup>g</sup> —Advantage	<i>Assnm</i> <sup>t</sup> —Assignment
<i>Aff</i> <sup>t</sup> —Affidavit	<i>Assesm</i> <sup>t</sup> —Assessment
<i>Afs</i> <sup>d</sup> —Aforesaid	<i>Att</i> <sup>d</sup> —Attend, Attested
<i>Am</i> <sup>t</sup> —Amount	<i>Att</i> <sup>v</sup> —Attending

*Bel<sup>d</sup>*—Belonging  
*Beh<sup>t</sup>*—Behalf  
*Ben<sup>f</sup>*—Beneficial  
*Beq<sup>d</sup>*—Bequeathed  
*Bkr<sup>y</sup>*—Bankruptcy  
*Bldg<sup>s</sup>*—Buildings  
*Bound<sup>s</sup>*—Boundaries

*Cert<sup>e</sup>*—Certificate  
*Ch<sup>y</sup>*—Chancery  
*Clm<sup>s</sup>*—Claiming  
*Clm<sup>t</sup>*—Claimant  
*Conso<sup>n</sup>*—Consideration  
*Convc<sup>e</sup>*—Conveyance  
*Cont<sup>d</sup>*—Contained  
*Condo<sup>n</sup>*—Condition  
*Condi<sup>l</sup>*—Conditional  
*Cov<sup>t</sup>*—Covenant  
*Co<sup>y</sup>*—County, Company  
*Codi<sup>l</sup>*—Codicil  
*Co<sup>l</sup>*—Counsel  
*Comm<sup>r</sup>*—Commissioner  
*Coll<sup>s</sup>*—Collateral  
*Copyh<sup>d</sup>*—Copyhold  
*C<sup>t</sup>*—Court  
*Conj<sup>n</sup>*—Conjunction

*Daw<sup>r</sup>*—Daughter  
*Delin<sup>d</sup>*—Delineated  
*Decl<sup>d</sup>*—Declared, Declined  
*Decl<sup>n</sup>*—Declaration  
*Dem<sup>d</sup>*—Demand, Demised  
*Det<sup>e</sup>*—Determine  
*Determ<sup>n</sup>*—Determination  
*Def<sup>t</sup>*—Defendant, Default  
*Dep<sup>t</sup>*—Deponent  
*Dece<sup>d</sup>*  
*Dec<sup>d</sup>* } Deceased  
*Desc<sup>d</sup>*—Described  
*Ded<sup>n</sup>*—Deduction  
*Dev<sup>d</sup>*—Devised

*Div<sup>n</sup>*—Division  
*Div<sup>d</sup>*—Dividend, Divided  
*Disch<sup>e</sup>*—Discharge  
*Diro<sup>n</sup>*—Direction  
*Dur<sup>s</sup>*—During  
*Dupl<sup>e</sup>*—Duplicate  
*Dwell<sup>s</sup>*—Dwelling

*Easem<sup>t</sup>*—Easement  
*Entit<sup>d</sup>*—Entitled  
*End<sup>d</sup>*—Endorsed  
*End<sup>t</sup>*—Endorsement  
*Est<sup>e</sup>*—Estate  
*Evid<sup>e</sup>*—Evidence  
*Exo<sup>r</sup>*—Executor  
*Exo<sup>n</sup>*—Execution  
*Exchg<sup>e</sup>*—Exchange  
*Explan<sup>n</sup>*—Explanation  
*Exec<sup>d</sup>*—Executed  
*Ex<sup>r</sup>*—Executrix

*Flsc<sup>p</sup>*—Foolscap  
*F<sup>o</sup>*—Folio  
*Forasm<sup>u</sup>*—Forasmuch  
*Fr<sup>r</sup>*—Further

*Gr<sup>t</sup>*—Grant

*Hb<sup>y</sup>*—Hereby  
*Hra<sup>r</sup>* } Hereafter  
*Herea<sup>r</sup>* }  
*Heredi<sup>t</sup>* } Hereditaments  
*Here<sup>e</sup>* }  
*Hrunt<sup>e</sup>*—Hereunto  
*Hrna<sup>r</sup>*—Hereinafter

*Insc<sup>e</sup>*—Insurance  
*Incr<sup>e</sup>* } Incumbrance, Incumber  
*Incumb<sup>e</sup>* }  
*Imm<sup>lv</sup>*—Immediately  
*Imm<sup>e</sup>*—Immediate

*Instr<sup>a</sup>*—Instruct, Instrument

*Instro<sup>n</sup>*—Instruction

*Inhanc<sup>e</sup>*—Inheritance

*Indors<sup>t</sup>*—Indorsement

*Inf<sup>n</sup>*—Information

*Invest<sup>t</sup>*—Investment

*Int<sup>n</sup>*—Intention

*Int<sup>t</sup>*—Interest

*Inj<sup>n</sup>*—Injunction

*L<sup>e</sup>*—Lease

*Lehl<sup>d</sup>*—Leasehold

*Leg<sup>e</sup>*—Legacies

*Lfw<sup>t</sup>*—Lawful

*Limo<sup>n</sup>*—Limitation

*Liq<sup>n</sup>*—Liquidation

*Lr<sup>e</sup>*—Letter

*Marr<sup>e</sup>*—Marriage

*Mess<sup>e</sup>*—Message

*Mem<sup>t</sup>*—Memorial

*Mo<sup>v</sup>*—Money

*Mr<sup>e</sup>*—Matter

*Mtg<sup>e</sup>*—Mortgage

*Nec<sup>o</sup>*—Necessary

*Nevel<sup>e</sup>*—Nevertheless

*Not<sup>e</sup>* } Notice

*Not<sup>t</sup>* }

*Not<sup>i</sup>*—Notarial

*Notwth<sup>e</sup>*—Notwithstanding

*Observ<sup>n</sup>* } Observation

*Obs<sup>n</sup>* }

*Occup<sup>n</sup>*—Occupation

*Off<sup>t</sup>*—Official

*Oper<sup>n</sup>*—Operation

*Opin<sup>n</sup>*—Opinion

*Ord<sup>d</sup>*—Ordered

*Orwis<sup>e</sup>*—Otherwise

*Orig<sup>t</sup>*—Original

*Outbldg<sup>e</sup>*—Outbuildings

*Parlar<sup>e</sup>* } Particulars

*Parl<sup>e</sup>* }

*Parlv<sup>e</sup>*—Particularly, Parliamentary

*Pay<sup>e</sup>*—Paying

*Pce<sup>t</sup>*—Parcel

*Pc<sup>e</sup>*—Piece

*Perfc<sup>e</sup>*—Performance

*Pet<sup>n</sup>*—Petition

*Petr<sup>r</sup>*—Petitioner

*Posse<sup>d</sup>*—Possessed

*Posso<sup>n</sup>*—Possession

*Pps<sup>e</sup>*—Purpose

*Ppcor<sup>n</sup>*—Peppercorn

*Princ<sup>t</sup>* } Principal

*Pp<sup>t</sup>* }

*Ppa<sup>t</sup>* }

*Prem<sup>n</sup>*—Premium

*Prov<sup>e</sup>*—Proviso

*Provl<sup>e</sup>*—Provisional

*Prest<sup>e</sup>*—Presents

*Prop<sup>n</sup>* } Property

*Pptv<sup>e</sup>* }

*Preme<sup>e</sup>*—Premises

*Prov<sup>n</sup>*—Provision

*Pso<sup>n</sup>*—Person

*Purp<sup>t</sup>*—Purport

*Purch<sup>e</sup>*—Purchase

*Pursc<sup>e</sup>*—Pursuance

*Pyble<sup>e</sup>*—Payable

*Rel<sup>e</sup>* } Release

*R<sup>e</sup>* }

*Rec<sup>e</sup>*—Receive

*Rece<sup>d</sup>* } Received

*Rec<sup>d</sup>* }

*Rec<sup>t</sup>*—Receipt

*Rec<sup>r</sup>*—Receiver

*Recit<sup>e</sup>*—Reciting

*Red<sup>n</sup>, Redo<sup>n</sup>*—Redemption

*Ref<sup>d</sup>*—Referred  
*Refs<sup>e</sup>*—Reference  
*Reg<sup>r</sup>*—Registry  
*Reg<sup>r</sup>*—Registrar  
*Rem<sup>t</sup>*—Remainder  
*Reput<sup>n</sup>*—Reputation  
*Resid<sup>y</sup>*—Residuary  
*Respi<sup>v</sup>*—Respective  
*Respi<sup>v</sup>*—Respectively  
*Reservo<sup>n</sup>*—Reservation  
*Ret<sup>r</sup>*—Retainer  
*Req<sup>d</sup>*—Requested, Required

*Satisf<sup>n</sup>*—Satisfaction  
*Schdl<sup>r</sup>*—Schedule  
*S<sup>d</sup>*—Said  
*Sec<sup>r</sup>*—Security  
*Sec<sup>s</sup>*—Securities  
*Settl<sup>r</sup>*—Settlement  
*Sev<sup>r</sup>*—Several  
*Sit<sup>e</sup>*—Situate  
*Sing<sup>r</sup>*—Singular  
*Stiplo<sup>n</sup>*—Stipulation  
*Spec<sup>d</sup>*—Specified  
*Surv<sup>r</sup>*—Survivor  
*Sum<sup>s</sup>*—Summons  
*Supp<sup>t</sup>*—Support  
*Suff<sup>t</sup>*—Sufficient  
*Subj<sup>t</sup>*—Subject

*Test<sup>d</sup>*—Testified  
*Test<sup>t</sup>*—Testament  
*Ten<sup>t</sup>*—Tenement, Tenant  
*Thro<sup>f</sup>*—Thereof  
*Thro<sup>n</sup>*—Thereon  
*Thrun<sup>t</sup>*—Thereunto  
*Thrnbe<sup>f</sup>*—Thereinbefore  
*Thrna<sup>r</sup>*—Thereinafter  
*Thrb<sup>y</sup>*—Thereby  
*Throth<sup>n</sup>*—Therewithin  
*Thems<sup>s</sup>*—Themselves  
*Towd<sup>s</sup>*—Towards  
*Tre<sup>e</sup>*—Trustee

*Var<sup>s</sup>*—Various

*Undiv<sup>d</sup>*—Undivided

*W<sup>ch</sup>*—Which  
*Wch<sup>r</sup>*—Whichever  
*Whats<sup>r</sup>*—Whatsoever  
*What<sup>r</sup>*—Whatever  
*Whro<sup>n</sup>*—Whereon  
*Whb<sup>y</sup>*—Whereby  
*Who<sup>f</sup>*—Whereof  
*Wha<sup>s</sup>*—Whereas  
*Witne<sup>d</sup>* } Witnessed  
*Witn<sup>d</sup>* }

*Texts.*—The most useful are the German text, and the engrossing hands. The Old English text is not often used.

If the heading of a deed is in Old English text, the engrossing in the body may be in German text; but of course, if done in the same hand as the heading it looks better.

## APPENDIX.

**Affidavits** must be made before Commissioner or authorized officer. Any alteration or erasure *must* be marked with the initials of the Commissioner.

*Form of Jurat—One Deponent.*

Sworn at.....in the county of	}	(Name of Dept.)
.....this.....day of.....		
188.. Before me		
.....		

A Commissioner to Administer Oaths in the  
Supreme Court of Judicature.

*Form—Two or more Deponents.*

Sworn by the above-named De-	}	(Name of Dept.)
ponents.....and.....at		
.....in the county of		
.....this .....day		
of.....188...	}	(Name of Dept.)
Before me		
.....		

A Commissioner to Administer Oaths in the  
Supreme Court of Judicature.

The names of the deponents, where there are more than one, *must be mentioned* in the jurat.

*Filing* (Common Law).—Folios must be counted and marked in figures at each folio in the margin (jurat counts). Foot-note must be made to affidavit: "Filed on behalf of the plt." (or deft.)

Copy for office copy must be endorsed, "Office copy." Copy for the other side, "copy" only.

Stamp on filing affidavit, 2s. Stamp on copy for office copy, 2d. per folio.

Affix stamps in margin, and hand in under the letter of the action (the initial letter of the plaintiff's name).

If office copy required at once, clerk will hand out papers. They must be left at Stationer's Room (No 47), and the clerk there will say when the office copy will be ready.

*Affidavit of service of Writ* to be made by person serving the Defendant, if no appearance entered. Printed forms should be used. This affidavit requires to have a copy of the writ annexed.

*Affidavit to sign Judgment* for want of defence (see Judgment).

*Affidavit in support of Application* to obtain leave to defend (see Defence).

*Affidavit of Increase* to be made on taxing costs in action.

Set out the case and the manner in which the costs have been incurred, as briefly as possible, stating the amount of the judgment, and the payments made to the various witnesses, their rank or profession, and the expenses of railway travelling, subpoenas, &c.

*Affidavit of Scripts*.—This affidavit is filed in a suit setting out the documentary evidence; for instance, in an action in the Probate Division to decree probate of a will in solemn form, the affidavit of scripts for the plaintiff, deposes that the will and codicils, or other documents are in existence, and that the Deponent knows of no other documents bearing on the case.

*Affidavit of truth of Petition.*  
*Affidavit for Appointment of Receiver.*  
*Affidavit for Restraining Order.*

(see Liquidation.)

*Affidavit, Probate Suits.*—Stamps on filing, 2s.

Stamps on exhibits, 6d. each.

Stamps should not be put on, but taken in with the papers. Office for stamps, Somerset House, No. 37, Probate side.

**Appearance, to enter.**—Fill up form with heading of writ, obtain 1s. stamp, and attend officer under the letter of the action (the initial letter of the plaintiff's name).

Memorandum of appearance on printed form must be sent to Plaintiff's Solicitors, although a letter may be written to them, apprising them that appearance entered.

**Appearance, to search for.**—Fill up form (1s. stamp) and attend officer under the letter, who will state if appearance has been entered.

**Annuity Receipt (for Duty).**—Form No. 2 (obtain of Messenger at Somerset House, Legacy and Succession Duty Department). Fill up form (duty payable in four instalments at Somerset House). Get it marked by the Registrar under the letter, and warrant from him to pay duty; then take on warrant and pay duty at office.

**Administration with Will.**—Forms, 11, P.R. Oath. Forms, 19, P.R. Bond. (Forms, 31a, P.R. Renunciation of Probate, if required). Obtain these at Somerset House. Fill up forms in duplicate.

Administrator must have two bondsmen. The bond

must be in twice the value of the Testator's estate, and it must be executed by the parties in the presence of a Commissioner.

**Affidavit for Commissioners of Inland Revenue**, with account annexed, must be made by administrator in case estate over £300.

Leave papers as for probate. Messrs. Shawe and Co., Stationers, 303, Strand, near Somerset House, will take in the papers if requested, and it saves time and trouble, the only charge being for messenger.

For estates under £300, form for administration of estates of over £300 to be used, when a deduction is to be taken and annexed.

**Affiliation** (see Bastardy).

**Bond.**—When given to secure repayment of any amount should be for double that sum.

*Bond* may be given in a case where a sum is paid down to the mother of a bastard, or an allowance is made to her for the support of the child to prevent proceedings in bastardy or annoyance. The bond to be given by some responsible person jointly with the mother, to the putative father, and to be operative in case proceedings in bastardy taken or child becomes chargeable to the parish.

*Bond* may be given for the due performance of any legal contract.

*Bond*, when given by a Railway Company, for any sum lent. On expiry the holder or his solicitor should take it to the Company's Secretary's office to get it marked payable at Bankers, on presentation.

**Bastardy** Summons must be issued within twelve months, *unless* putative father has acknowledged the



paternity by contributing to the support of the child, or has gone abroad within that time.

Information must be laid by the mother before the Magistrate's Clerk, and then sworn to before a Justice of the Peace. The summons is then left with the Clerk to be handed to a constable for service on the Defendant.

*Evidence.*—The mother's evidence must be corroborated in some material point, or no order will be made. Letters received from the Defendant may be strong evidence, and that of witnesses to improper conduct of parties, and admissions made by the Defendant.

Allegations of general immorality against the applicant is not a defence; although the Justices will take this into consideration, if proved, in assessing the amount of the order.

No order can be made if the child is *born abroad*.

Defendant can appeal against the order to the Quarter Sessions, but he must give notice at once, and find security for the costs of the appeal, in case the order should be confirmed.

**Companies.**—Register Office, Somerset House. Searches can be made here, and list of Shareholders of Joint Stock Companies examined.

**Copy, Attested,** of any deed or document, 1s. stamp. Clerks examining the copy must sign a memorandum at the foot thereof, that it has been examined with the original and found correct.

**Certificate (Solicitor's) Renewal.**—Obtain forms of declaration from office at Law Institution, to be filled up in duplicate. Leave same filled up at the office, and on calling again for papers pay fee (5s). Attend

at Inland Revenue Office, Somerset House (No. 7), fill up slip and warrant (to be obtained there), hand to clerk with papers, to mark, and pay duty. Cheque will do.

**Costs.**—Warrant on leaving, stamp, 2s. Warrant to tax, stamp, 2s.

*Taxing.*—It is not advisable to make frivolous objections in taxing the costs of the other side: the Taxing Master is less likely to pay attention to reasonable objections which may be urged.

All *optional* business charged by the other side, should of course be strictly opposed. A great deal of unnecessary work is often put in which it is never expected will be allowed. The allowances to witnesses should be well looked into.

**Costs.**—Ordinary Probate:—

*(Being short costs they are given here.)*

Instructions for Probate	...	...	...	0	13	4
Drawing and engrossing oath of Executor						
and attendance	...	...	...	0	10	0
The like Affidavit for Inland Revenue	...			0	10	0
Paid Commissioner's fees	...	...	...			
Drawing and engrossing Statement of Personal Estate for signature of Executor	...			0	5	0
Engrossing and collating will, and paid	...					
Attending at Somerset House, paying duty, and getting proper stamp affixed on form of grant	...	...	...	0	13	4
Paid for form	...	...	...	0	0	5
Attending at Registry with papers, and extracting	...	...	...	0	13	4
Stamp on receipt and for search and form						

Probate under seal and court fees	...	...
Clerk's fees	...	...

(If registered in Middlesex.)

Instructions for drawing and engrossing					
Memorial for registration of Probate (if not a long will)	...	...	...	1	1 0
Attending to stamp	...	...	...	0	3 4
Stamp	...	...	...	0	2 6
Attending signature	...	...	...	0	6 8
(Or writing with Memorial for signature)	...	...	...	0	3 6
Attending to register	...	...	...	0	6 8
Paid probate duty stamp on Memorial and parchment	...	...	...	...	...

**County Court.**—If Writ issued in Superior Court for claim under £20, within the ordinary jurisdiction of the County Court, no costs allowed (see County Courts' Act).

*County Court Plaintiff.*—When defendant has gone beyond the jurisdiction of the Court, application must be made to issue summons by affidavit.

*County Court Proceedings* to remove case from Superior into County Court:—Issue summons to be heard before Master, in Chambers, Central Office, Royal Courts. (See sec. 7 of County Courts' Act, 30 and 31 Vict. cap. 142.)

Good cause must be shown before Master for order to be made; that proper claim does not amount to £20; that from certain facts and circumstances connected with the case it would be better tried in the County Court, &c., see Order XIV.

*Practice and Hearing.*—When the list of causes is called over, the Registrar of the Court generally

disposes of the undefended cases; those that are found to be defended, are of course sent into the Judge's Court.

The Solicitor who has much County Court Practice, should have a cause list giving the numbers of the cases. This list will show how they stand, within a little, and when any one may be expected to come on, especially if the Clerk in the Registrar's Court takes note of the defended cases sent in to the Judge. The client and his witnesses may thus be spared some time waiting in the Court.

*Brief*, when Counsel instructed in the County Court, must be on brief paper. If case conducted by Solicitor himself, half-sheets of 'unlined draft should be used, folded once perpendicularly and endorsed:—

In the County Court of.....

Holden at.....

No. of Plaint.....

.....

v.

.....

} Instructions.\*

For the (Plaintiff).

\* "Brief" when Counsel instructed.

Where costs allowed, they should be drawn out on half draft, on one side of the paper only, with a taxing margin at the left; the payments to witnesses should be put in at the end. Notice of taxation should be endorsed thus:—

(Heading).

.....	}	(Plaintiff's Costs.)
v.		
.....		

To Mr..... (Solicitor for the Defendant).

Take notice that I shall attend to tax the within costs at the Registrar's Office, .....Street, on .....next, at.....o'clock in the.....noon.

Dated this.....day of.....188

.....(Solr. for the Plt.)  
(Address).

An appointment must be obtained from the Registrar to tax, and the time filled in. Two copies of the costs must be made; one for the other side, and one for the Registrar; the draft will do for own use if not too much cut-up.

The scale must be referred to in drawing costs, and other items put in which have been properly incurred in the course of the action, and are reasonably allowable in taxation. (See a work on "County Court Practice.")

*Subpœnas* (Summonses) can be issued at the office of the Court by the plaintiff in person, or by his solicitor, or his clerk.

*Execution* can be issued by the same parties.

*Evidence*.—All persons likely to be witnesses in the case should be seen, and their statements taken, getting as much information from them, and giving as little as possible. It is often requisite to subpœna the

defendant to make sure of proving the case. He must, of course, be paid his conduct money according to scale, the same as any other witness.

When Counsel is instructed, a regular case must be drawn for the brief, in addition to the proofs, but the ordinary advocate's instructions may commence with the plaintiff's (or defendant's) statement, underlining any particular point; and then should follow the statements of the witnesses, in the order in which it is intended to call them. Notes for the cross-examination of the witnesses on the other side may be added. Any important letter or memorandum should be fastened to the instructions, but ordinary papers may be tied up in a bundle.

**Debtor Summons.**—May be issued out of the District County Court against any one who has committed an act of bankruptcy, viz.: is unable to pay a just and undisputed account of £50; or has a sale of his stock-in-trade and effects to the prejudice of the creditor for £50 or upwards. These and some other matters tending to the same thing, constitute an act of bankruptcy, upon which a debtor summons can be issued in the County Court, calling upon the debtor to show cause why he should not be made a bankrupt. Summons issued upon affidavit by the creditor as to indebtedness of the person, must be served upon the debtor in person. (Forms, Evison and Bridge.)

**Defence:** When order required giving leave.—Affidavit in support of application for leave to defend to be made. Set out circumstances showing reasonable grounds for defence: such as no consideration; signature to bill or note obtained by misrepresentation;

time of credit given not having expired ; counter-claim, &c., &c. (To be made by defendant.) This can be supported by any other affidavit, if possible, and summons issued for leave to defend.

**Distringas.**—To prevent sale of stock held as security for loan by the mortgagor.

Forms required—Notice and Affidavit (sold by Evison and Bridge). Affidavit that mortgagor beneficially interested in the Stock or Company. Notice to Bank (to be signed by Solicitor getting distringas)—Act 5 Vict. c. 5.

**Denoting Stamp.**—When several deeds are necessary to the execution of one, these deeds must have a denoting stamp ; for instance, when a settlement is executed, and there is a conveyance of the trust property to Trustees ; where a deed is endorsed on lease and counterpart varying the terms of the lease, or where a deed is engrossed in duplicate, and the duplicate is required to be denoted as such, &c.

Room for denoting stamps, Inland Revenue Department, Somerset House, No. 69. Fill up form at desk outside (separate forms for duplicate and duty-paid denoting stamps), and leave the documents with clerk. They will be delivered out at No. 32, in the basement.

**Deeds.**—Stamping (Inland Revenue, Somerset House). All deeds and documents executed (signed), must be dated before they can be stamped. They must be taken to the examining officer at No. 26 to be marked. After marking, take on deeds to No. 28. If parchment, they must be handed in to the box to be prepared for stamping before the stamp itself is impressed. When handed out the deeds must be taken to

the proper stamping box, and the exact amount of the stamps given to the officer with the deed. Gold coin should be of full weight, or the deficiency will be charged for.

Deeds not executed do not require to be dated or marked, but are stamped as blank parchment. When the stamp is for a large amount, a warrant must be obtained at No. 26 (room for examining deeds), and the amount left with the deeds for stamping. They will be delivered out at room 31, in the basement.

**Damages.**—In action for recovery of land let on building agreement, the only damages that can be recovered are for actual depreciation of value of the land in consequence of failure to build.

**Ejectment.**—Writ issued in common form.

If defendant's address not known, writ may be nailed to or otherwise affixed to the door, or other conspicuous part of the premises.

**Equitable Deposit of Deeds.**—Made in form of agreement acknowledging receipt of amount lent, and that the deeds are deposited as security for payment of the loan and interest thereon. If more than one deed they may be enumerated in a schedule, the borrower also agreeing, upon the request of the lender, to execute a legal mortgage of the hereditaments, as he shall direct.

**Faculty** to remove body (in London).—Apply at office of Consistory Court of London, No. 4 Dean's Court, Doctor's Commons, and get form of petition to be presented for the purpose according to case, and affidavit in support.

Petition to be made by person interested in the re-

D



moval (husband, wife, father, &c.), showing good cause for the same.

Leave petition and affidavit for order to be granted thereon. Send order, when obtained, to manager of cemetery, vicar, or chief official of burying ground. The acting relative must give the necessary directions for the removal of the body.

**Judgment.**—If no valid defence can be shown to the ordinary action for debt, judgment can be signed, although appearance entered on making affidavit, stating the contract and sale, annexing any admissions by the defendant of his indebtedness, and stating that defendant has no defence to the action. Affidavit can be made by the gentleman conducting the action, or if it can be made stronger, by the plaintiff. A summons is also issued at the same time, and copy, affidavit, and summons, served on the other side. If no defence shown before the Master, judgment is ordered to be signed accordingly (see Judicature Rules and Orders).

**Judgment to sign**—In default of appearance.

Search for appearance. If none entered, get form of judgment in duplicate, fill up and hand to officer with affidavit of service, and he will seal judgment. Stamp on affidavit of service, 2s.; stamp on judgment, 10s.; stamp on office copy, 6d.

**Injunction to Restrain.**—Application must be made by Counsel to Court, for leave to move for an injunction (say), in a few days. Notice must be given to defendant of proceedings. Motion for injunction must be supported by affidavit stating nature of grievance, and relief required. Writ may be issued in action, and injunction applied for immediately.

**Licenses.**—Armorial bearings, Servants, Carriages, &c. (for Town), Somerset House.

**Legacy Receipt.**—Form No. 1.

**Land Transfer Act.**—Forms of Charge and Declaration attesting execution of Instrument, and identifying owner, to be obtained from Fry and Son 14, South Square, Gray's Inn (Nos. 20 and 37).

**Liquidation.**—Engross petition (parchment form), copy on paper. Petition to be signed by debtor, and attested by his Solicitor. Affidavit (by petitioner) supporting petition. Draw Request to Registrar for leave to send out notice of first meeting, and append list of creditors, furnished by petitioner. This list should be made out with surnames in alphabetical order, and divided into two parts—those over and under £10. File papers (in portfolio) with the Registrar. Send out notices to Creditors of first general meeting, taken from the list appended to Request. (A form of affidavit for proof and proxy is attached to this notice.)

Meeting may be held at the office of Petitioner's Solicitor, or at any other convenient place.

Draw notice of meeting, and three copies for insertion in *Gazette* and local papers.

**Receiver.**—Application for appointment of Receiver (form). Affidavit of fitness (to be made by Solicitor, or clerk acting). Obtain order, by Registrar, for appointment. (Security must be given by Receiver, if required by Registrar.)

**Restraining Order.**—If necessary to restrain Creditor proceeding against the estate, application to be made, supported by affidavit (Solicitor or acting clerk),

for restraining order. Copy order made by Registrar to be served on Plaintiff or his Solicitor.

*First Meeting.*—Forms required: Affidavit of petitioner of no separate debts or estate. List of Creditors assembled. Affidavit of election of chairman. Resolution — Liquidation by arrangement. Liquidation (where appointment of trustee postponed). Liquidation—Composition.

The following forms, filled up, signed by the debtor, compose the Schedule or statement of affairs to be laid before creditors at first meeting :—

- A.—List of Creditors.
- B.—List of Creditors fully secured.
- C.—List of Creditors partly secured.
- D.—Liabilities:
- E.—Creditors for rent, rates, &c.
- F.—Liability on bills discounted.
- G.—Property.
- H.—Book Debts.
- I.—Bills of Exchange.

The Cr ditors proceed to elect a chairman, and the statement of affairs is laid before the meeting. The proofs handed in by Creditors or their proxies are examined, and if in proper form are accepted by the chairman and signed by him ; otherwise they have no vote at the meeting. The Receiver's appointment may be confirmed as Trustee of the estate, or another appointed in his place. If resolution arrived at, the creditors or their proxies sign the same accordingly. (A proxy need of course only sign once, however many proxies he may hold ; bracketing the names of the creditors together and signing *as their proxy*.)

If Solicitor for petitioner intrusted with the registration of resolutions, take in:—List of Creditors; Resolutions; Affidavit of election of chairman (solicitor or clerk); Affidavit of no separate debts or estate (petitioner); Affidavit of posting notices. Obtain certificate of Trustees' appointment. Notice of appointment of Trustee for *Gazette*.

*Registering*.—The proper stamps must be affixed to papers, and the signatures to the resolutions checked with the proofs, exhibited to the Registrar or his député, and filed with the proceedings.

(See Rules and Orders for time, fee stamps, &c.).

The object of the proceedings being to get the debtor through in liquidation, every proxy possible should be obtained by the petitioner's solicitor or acting clerk, and the Receiver, in order to carry the resolutions, and end the matter in liquidation.

Affidavit of proof of debt may be made by the creditor himself, a partner in a firm, or a clerk acquainted with the fact of the debt being due; but a proxy must be signed by the creditor personally, or in the case of a firm, by one of the partners.

A second general meeting must be convened to confirm the resolutions at the first meeting, and the regular notices given. The notices of meeting sent to those creditors who failed to attend the first meeting must be registered, and a list thereof annexed to the affidavit of posting filed with the proceedings. The second meeting is the critical point in the proceedings, and decides whether the matter can be properly carried through or not; and therefore care must be taken that no error of practice occurs here.

The resolutions at the second, confirming those of the first meeting, must be registered in the same way as those of the first meeting.

*Forms* (ordinary).—List of creditors assembled; Resolutions; Affidavit on registering; Affidavit (if necessary) that absence of Creditor did not affect Resolutions. (Solicitor or Clerk.) When terms of liquidation duly complied with Debtor can apply for his discharge.

**Memorials** (Registration of deeds in Middlesex).—The Memorial must be executed by a grantor having a beneficial interest or a grantee, and be attested by two witnesses, one of them being a witness attesting the *execution* of the deed to be registered, by the party executing the Memorial.

The Memorial must set out the date of the deed, the parties thereto, and the parcels mentioned in the deed. If there is a plan on the deed there must be a copy of it on the Memorial, and one on paper for the Registry.

The full description of the premises must be given as appears in the deed, and where such description is expressed in the operative part of the deed, and either wholly or in part by reference to preceding recitals, then first set out so much of the recitals to which the operative words have reference as are descriptive of parcels, and afterwards the description from the operative part of the deed.

Indorsements should be described as such: the operative words of the indorsement to be set out, fully inserting after that the following words, “and which premises are in the therein-within written Indenture described to be situated in the parish of  
in the County of Middlesex.”

**Expedition.**—A Memorial can be expedited by paying a small fee (2s. 6d.), and then it will be ready the next day. (Ten days usual time for registering.)  
**Registry:** Great James Street, Bedford Row. Time of attendance for registering between 11 and 2. For searching for incumbrances, 10 and 3. Fee for registration: ordinary length Memorial, 7s.

**Marriage Settlement.**—If intended husband settles any property in mortgage at the time, usual transfer must be made to Trustees of Settlement, and the like by the wife. If any property is charged with a sum to be settled, the documents to be prepared will be a Settlement, Charge on Estate, and Transfer to Trustees.

**Notice of Second Mortgage.**—To be sent in duplicate to solicitor of first mortgagee, with request to return one signed by him acknowledging the receipt thereof.

**Name, Change of (Ordinary).**—Form of Deed Poll from Evison and Bridge. Engross on skin of parchment bookwise. Enrol at Chancery Office. Duty payable on deed, 10s.

Draw notice of change of name for local papers. Insert notice in *Times* as well as local papers.

**Order, Drawing up.**—Stamp, 3s.

**Probate. (No Leaseholds).**—Form No. 3, P.R. Affidavit and account annexed. Write name and address of solicitor in the margin.

Oath No. 4, P.R. Name of solicitor in margin. Executor (or Executrix) must sign name on the will. Commissioner also to sign.

Executor (or Executrix) must sign schedule at the end of affidavit.

Leave papers when executed at Somerset House (Probate side). Take cheque for duty, and a few pounds for fees. Get probate piece (parchment) at No. 7, Inland Revenue Department.

Apply at Sealer's for probate, No. 44, probate side.  
If not correct or any inquiry necessary, they refer the  
applicant to No. 67, upstairs.

**Probate of Will in Middlesex should be registered.**

**Probate Action.**—To prove Will in solemn form. If caveat lodged, search for caveat and take notes thereof. Issue warning to caveat in duplicate, one copy to serve, and the other to endorse memorandum of service. Fee on warning to caveat, 4s. Serve warning on solicitors for the other side.

Search appearance to caveat.

Writ: Endorsement—"The Plaintiff claims to be the sole Executor of the last Will and Testament of \_\_\_\_\_ dated the \_\_\_\_\_ and \_\_\_\_\_ who died on the \_\_\_\_\_ day of \_\_\_\_\_ and \_\_\_\_\_ to have the said Will established."

Affidavit to be made by plaintiff verifying endorsement. File at the Registry, and issue writ.

**Power of Attorney.**—Form of attestation by attorney on deed: “Signed sealed and delivered by the within named A. B. by C. D. his attorney, in the presence of ”

**Petition.**—See Liquidation.

**Police Court: Warrant to Apprehend.**—Attend prosecutor to magistrate's clerks office, lay information (state case) for warrant, and pay fees. Attend prosecutor to nearest magistrate to be sworn to information,

and return papers to magistrate's clerk, who will hand warrant to officer.

*Summons.*—Issued as above.

*Bail.*—If instructed to obtain release of prisoner on bail, solicitor (or clerk) and proposed sureties must attend before magistrate, and if accepted, sureties enter into bail in amount required (signing form). The solicitor for the other side to have notice of intention to apply for bail.

*Subpoenas.*—Prosecutor, or solicitor's clerk in the case, can attend magistrate's clerk and lay information for attendance of witnesses, to be deposed to before magistrate and returned to clerk, who will hand summons to constable for service. Three witnesses may be included in one information. Conduct money to witness, 1s.

*Evidence.*—Prosecutor (or defendant) and witnesses must be seen, and their full statements taken down on half sheets of draft as instructions for solicitor on hearing. Fold instructions once perpendicularly, and endorse the name of the court, and the case, and day of hearing. Important witnesses must be secured by being summoned to attend.

**Renunciation of Probate.**—Form No. 31a, P.R. (Evison and Bridge). Fill up: To be signed by Executor renouncing. Administration can then be granted to next of kin (if no other Executor) who desire to take out administration.

**Residuary Account.**—Property chargeable under the Legacy Duty Act, form No. 3. (Separate form supplied for property chargeable under Succession Duty Act.)



**Receipt (Ordinary)** must be given on penny stamp for sum of £2 and upwards; but when money is received for another person's use, a *memorandum* may be given acknowledging the receipt of the money without a stamp.

**Receipt on Deed.**—Not now necessary to endorse receipt for consideration.

**Restraining Order.**—See Liquidation.

**Right of Way.**—Can only be granted by tenant in fee. (A tenant for life cannot grant permanent right of way.)

**Succession Duty.**—Form No. 1. To be delivered in duplicate. For property chargeable under Succession Duty Act (separate form for property chargeable under Legacy Duty Act).

**Surrender by Deed.**—Does not now require a nominal consideration; but it is better to have one.

**Summons to Stay.**—When terms to stay action have been complied with but there is a difficulty in adjusting what costs (out of the ordinary course) are to be paid by defendant, the latter may, if Summons to stay issued, in certain cases, take the ground of defence that he does not care to have the action stayed; and the plaintiff may proceed if he likes. It is not easy for the Master to make any order in such case, but the plaintiff can of course proceed for his costs if he thinks it worth the trouble; and they might not be allowed.

**Tenants in Common.**—Definition: Where property is left to two or more persons, and on the death of one the share of that person goes to his or her heirs.

**Tenants, Joint.**—When property left to two or

more persons, and on the death of one the property (his or her share) reverts to the other or others.

**Transfers of Stock.**—Forms sold by Messrs. Waterlow Bros. and Layton.

**Warrant to Distrain.**—Forms, Evison and Bridge, Chancery Lane.

**Writ, to Issue.**—Obtain three forms (Evison and Bridge). Fill up and examine one with the other. Obtain Stamp (5s.). Hand in forms to clerk, and receive back sealed copy. Make as many copies for service as there are defendants in the action.

*Service.*—Must be effected on defendant personally.

Memorandum of service must be endorsed on writ within *three* days of the service, and signed by the server.

*Writ for recovery of Land.*—If there is a tenant of the plaintiff, and the land he occupies has been taken possession of, he should be made a co-plaintiff.

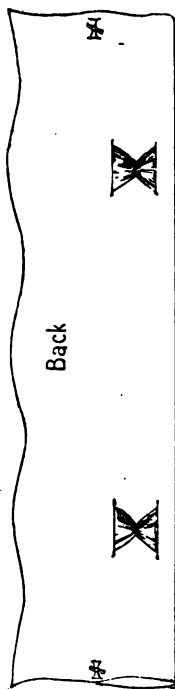
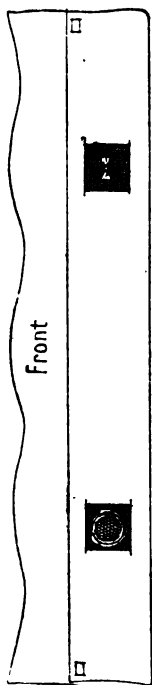
*Writ Amendment.*—Order must be obtained when writ required to be amended. Copy writ, as amended, must be filed.

*Writ: Defendant residing abroad.*—Application must be made to Judge for leave to serve writ. Affidavit to be made by plaintiff or solicitor in the case, stating particulars of the debt, and that defendant resides abroad, &c.

**Will.**—Must be signed in the presence of two witnesses, who must sign as attesting, in the presence of the Testator and of each other, at the same time. When there are several sheets it is advisable—but not absolutely necessary—for the Testator to sign every one of them. The number of sheets should be mentioned at the end

of the will. Any alteration in the will should be noticed by the Testator and witnesses writing their initials against it. If the alteration is important it should also be mentioned at the conclusion of the will, as having been made before its execution.







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